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Filing date: **07/10/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209617
Party	Defendant Debra Wiseberg
Correspondence Address	DEBRA WISEBERG d/b/a BRAM WARREN CO 18100 SW 50TH ST SOUTHWEST RANCHES, FL 33331 1012 UNITED STATES bramwarren@bramwarren.com
Submission	Other Motions/Papers
Filer's Name	Debra Wiseberg
Filer's e-mail	bramwarren@bramwarren.com
Signature	/Debra Wiseberg/
Date	07/10/2015
Attachments	Applicant's Motion to Suspend Proceedings and Verification of Counterclaim Fee Paid.pdf(751553 bytes ) Applicant's Brief in Support of Motion to Suspend & Verification of Counterclaim Fee Paid.pdf(1403290 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Xikar, Inc.,	1	
	§	
	§	
Opposer,	§	Opposition No. 91209617
	§	
v.	§	Mark: Cicar
	§	
Debra Wiseberg d/b/a	§	Serial No. 85/652496
Bram Warren Company,	§	
	§	
Applicant.	§	
	1	

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APPLICANT'S MOTION TO SUSPEND PROCEEDINGS FOR 20 DAYS  
AND VERIFICATION OF COUNTERCLAIM FEE PAID

Pursuant to 37 CFR §2.117(c) and TBMP §510, Debra Wiseberg, Applicant and Counterclaim Plaintiff, (hereafter "Applicant") in this action does hereby request that the Board suspend proceedings for 20 days and postpone all trial dates and deadlines for this proceeding between the Applicant and Xikar, Inc., a Kansas corporation, Opposer and Counterclaim Defendant (hereafter "Opposer") for 30 days, so that the Applicant can attend to imminent business matters.

The statutory fee for filing a counterclaim was paid at the same time the original answer to the notice of opposition and counterclaim was filed on April 15, 2013 and the Applicant has sent verification and proof of such payment to the United States Patent and Trademark Office, Trademark Trial and Appeal Board. The Applicant respectfully requests the Board correct the record to reflect such payment.

The brief in support of the Applicant's motion to suspend proceedings and verification of counterclaim fee paid is attached hereto.


Dated: July 10, 2015

Respectfully submitted,

By:   
Debra Wiseberg  
18100 S.W. 50 Street  
Southwest Ranches, FL 33331  
Telephone No.: (954) 297-0329  
Email: bramwarren@bramwarren.com

CERTIFICATE OF FILING


I hereby certify that the Applicant's motion to suspend proceedings and verification of counterclaim fee paid and brief were filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board by ESTTA on July 10, 2015.

By:   
Debra Wiseberg

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Applicant's motion to suspend proceedings and verification of counterclaim fee paid and brief were sent to the counsel for the Opposer by the United States Postal Service, first class mail on July 10, 2015 to the following address:

Ginnie C. Derousseau  
Erickson, Kernell, Derousseau & Kleypas LLC  
8900 State Line Road, Suite 500  
Leawood, KS 66206

By:   
Debra Wiseberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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	§	
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APPLICANT'S BRIEF IN SUPPORT OF MOTION TO SUSPEND PROCEEDINGS  
AND VERIFICATION OF COUNTERCLAIM FEE PAID

*Motion to Suspend Proceedings*

The Applicant hereby requests the Board suspend proceedings for 20 days and postpone all trial dates and deadlines for this proceeding for 30 days, so that the Applicant may attend to imminent business matters. The Applicant's business is exhibiting at a trade show this month and the pro se Applicant is unable to attend to this litigation proceeding during this time. Since the Applicant will not be able to devote any time to matters concerning this litigation during this time I'm requesting that all trial dates and deadlines for this proceeding be postponed for 30 days. I have included a schedule of revised dates at the end of the brief.

*Verification of Counterclaim Fee Paid*

The Board stated in their July 1, 2015 decision that "the USPTO records indicate that Applicant did not submit the required statutory fee for filing a counterclaim" and that "Applicant is allowed until ten (10) days from the mailing date of this order in which to submit the required fee". The statutory fee for filing a counterclaim was paid at the same time the original answer to



the notice of opposition and counterclaim was filed on April 15, 2013. The Applicant has mailed verification and proof of such payment to United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 and I have also emailed verification and proof of such payment to the interlocutory attorney in this matter.

CONCLUSION AND REQUEST

The Applicant respectfully requests that the Board grant her motion to suspend proceedings for 20 days and postpone all trial dates and deadlines for this proceeding for 30 days, so that she may attend to imminent business matters. A schedule of revised dates follows. The statutory fee for filing a counterclaim was paid in April, 2013 and the Applicant respectfully requests that the Board correct the record to reflect such payment.


Dated: July 10, 2015

Respectfully submitted,

By:   
Debra Wiseberg  
18100 S.W. 50 Street  
Southwest Ranches, FL 33331  
Telephone No.: (954) 297-0329  
Email: bramwarren@bramwarren.com

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By:   
Debra Wiseberg

CERTIFICATE OF SERVICE

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Ginnie C. Derusseau  
Erickson, Kernell, Derusseau & Kleypas LLC  
8900 State Line Road, Suite 500  
Leawood, KS 66206

By:

  
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Debra Wiseberg

Schedule of Dates:

Suspension of Proceeding ends	July 30, 2015
Plaintiff's Pretrial Disclosures due	September 7, 2015
30-day testimony period for plaintiff's testimony to close	October 22, 2015
Defendant/Counterclaim Plaintiff's Pretrial Disclosures due	November 6, 2015
30-day testimony period for defendant and plaintiff in the counterclaim to close	December 21, 2015
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	January 5, 2016
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	February 19, 2016
Counterclaim Plaintiff's Rebuttal Disclosures Due	March 5, 2016
15-day rebuttal period for plaintiff in the counterclaim to close	April 4, 2016
BRIEFS SHALL BE DUE AS FOLLOWS:	
Brief for plaintiff due	June 3, 2016
Brief for defendant and plaintiff in the counterclaim due	July 3, 2016
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	August 2, 2016
Reply brief, if any, for plaintiff in the counterclaim due	August 17, 2016